



Educational Consortium for
Telecommunications Savings

Received & Inspected

DEC - 8 2015

FCC Mail Room

December 2, 2015

**Appeal of Administrator's Decision of Appeal – Funding Year 2015-2016
October 13, 2015**

Sent to

FCC, Office of the Secretary
445 12th Street SW
Washington, DC 20554
CC Docket No. 02-6

Contact Information

Robert Beck
Education Consortium
790 Newtown-Yardley Road, Suite 410
Newtown, PA 18940
267-352-0137 (voice)
215-504-5047 (fax)
rbeck@eratespecialist.org

Basis for Appeal

Decision on Appeal for Odyssey Charter School (NV)
2251 South Jones Boulevard
Las Vegas, NV 89146
BEN 16033606

Funding Year 2015-2016
471 Application Number 1030070

Appealing discount percentage for Form 471 # 1030070

Request

This is a timely appeal regarding the funding award for Form 471 # 1030070 - requesting that the discount rate be increased from 60% to 80%.

No. of Copies rec'd 0
List ABCDE

I am authorized by the school to submit this appeal, and am the contact person on the original application.

Explanation

This school has two (2) Form 471's for FY 2015-2016:

1. Form 471 # 1007066 – submitted on March 6, 2015 – FCDL issued 6/26/2015
2. Form 471 # 1030070 – submitted on March 26, 2015 – FCDL issued 6/12/2015

Both applications were submitted with enrollment data that indicated a 60% e-rate discount rate for the year, with voice services are 20% less due to the phase down.

In the initial PIA review on May 12, 2015, the PIA reviewer cited both Form 471's, but only questioned the discount rate on one of the two Form 471s - # 1007066. Per the PIA request, we submitted family income survey data on 6/16/2015 from which we determined that the e-rate discount should have been 80%, not 60%.

The same reviewer handled both applications, and while this outcome of the discount rate query for **Form 471 # 1007066** was still in progress, the FCDL was issued for the *other* application, **Form 471 # 1030070**, on 6/12/2015 (four days *before* we sent the enrollment data) at the original 60% discount rate.

The SLD subsequently issued an FCDL for Form 471 # 1007066 on 6/26/2015 (10 days later) at an 80% discount rate.

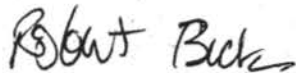
Conclusions

We maintain that the Administrator's Decision on Appeal, rejecting the discount rate increase for Form 471 # 1030070, is not consistent with the facts of the situation. It is a misapplication of the M&C rule, implying that the correct discount rate was known at the time the FCDL was issued for this application on 6/12/2015, when in fact the information was not known until *after* the family income data was submitted and processed four days later, and the second Form 471 # 1007066 was reviewed and funded on 6/26/2015.

We respectfully request that the Denial on Appeal be reversed and that the e-rate discount rate for Form 471 # 1030070 be increased to 80% in agreement with the school's other Form 471 # 1007066 application.

This is only for voice service and the amount of funding lost is approximately \$1,740. With the 20% phase down, the voice service at \$725/month would be funded at 60% versus 40%. This adversely affects the school, and since it is in the spirit and intent of the e-rate program to fund a school to the maximum entitled intent, we are requesting this increase in the discount rate to 80% for Form 471 # 1030070.

Thank you for your consideration.



Robert Beck
Education Consortium
E-Rate Consultant for Odyssey Charter School

Certified Mail, Return Receipt: 7015 0640 0004 2248 9714

Authorized person information

Robin Cunningham – Director of Business Services (702-312-3249)

Attachments

- Form 471 # 1030070 - FCDL dated 6/12/2015
- Form 471 # 1007066 – FCDL dated 6/26/2015
- USAC Appeal letter dated 7/21/2015
- Administrator's Denial of Appeal letter dated 10/13/2015



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

October 13, 2015

Robert Beck
Education Consortium
790 Newtown-Yardley Road
Suite 410
Newtown, PA 18940

Re: Applicant Name: ODYSSEY CHARTER SCHOOL
Billed Entity Number: 16033606
Form 471 Application Number: 1030070
Funding Request Number(s): 2799412
Your Correspondence Dated: July 21, 2015

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's funding commitment decision for the FCC Form 471 Application Number and funding requests number(s) FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2799412
Decision on Appeal: **Denied**
Explanation:

- During appeal review of your FCC Form 471 1030070 you requested a higher discount from 60% to 80% for the Odyssey Charter School(16033606) due to the entity receiving the higher 80% discount in the same funding year on FCC Form 471 1007066. Program procedures allow applicants to amend their applications and correct ministerial and clerical errors on their FCC Forms (including adding a higher discount) until a Funding Commitment Decision Letter (FCDL) is issued. Since you requested 60% on the application and there was no timely RAL Correction request filed or any pre-FCDL request to raise the discount, you did not demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied.

- Your appeal requests additional funds that were not included in the FCC Form 471 that you are appealing. FCC rules require that funding requests must be submitted via an FCC Form 471. *See* 47 C.F.R. sec. 54.504(a). Considerations for funding requests depend on the date the FCC Form 471 is received and the amount of funds available if it is received after the close of the filing window. *See* 47 C.F.R. sec. 54.507(f). The FCC directed USAC to allow applicants to amend their forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. *See* Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010).
- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. *See* Ministerial & Clerical Errors posted in the Reference Area of the SLD section of the USAC website. Per the FCC's directive, applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. *See* Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010). An applicant's request to remove entities from its application, when such removal would raise the average discount percentage for the relevant funding request above the funding threshold for that year, is not justifiable as a ministerial or clerical error. *See* Request for Waiver and Review of Decisions of the Universal

Service Administrator by Alexander County School District, Taylorsville, North Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-827833 et al., CC Docket No. 02-6, Order, DA 13-1383 para. 2 (rel. June 14, 2013).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Robin Cunningham

Robert Beck
Education Consortium
790 Newtown-Yardley Road
Suite 410
Newtown, PA 18940

Billed Entity Number: 16033606
Form 471 Application Number: 1030070
Form 486 Application Number:



Educational Consortium for
Telecommunications Savings

July 21, 2015

Appeal of FCDL Award – FY 2015-2016

Sent to

Letter of Appeal
Schools & Libraries Division – Correspondence Unit
30 Lanidex Plaza West
P.O. Box 685
Parsippany, NJ 07504-0685

Contact Information

Robert Beck
Education Consortium
790 Newtown-Yardley Road, Suite 410
Newtown, PA 18940
267-352-0137 (voice)
215-504-5047 (fax)
rbeck@eratespecialist.org

Basis for Appeal

Discount rate for Odyssey Charter School application
2251 South Jones Boulevard, Suite 100
Las Vegas, NV 89146
BEN 16033606

Funding Year 2015-2016
471 Application Number 1030070
FRN 2799412

Appealing E-Rate Discount Percentage

Request

This is a timely appeal of the discount rate for the school's voice service with Mpower Communications. We are asking that the discount percentage be increased from 40% to 60%.

I am authorized by the school district to submit this appeal, and am the contact person on the original application.

Explanation

The school has two Form 471 applications for FY 2015-2016:

1. Form 471 # 1030070 – FCDL issued June 12, 2015 – base discount rate 60%
2. Form 471 # 1007066 – FCDL issued June 26, 2015 – base discount rate 80%

For the first application (1030070) we had used the survey results from the previous year (2014-2015), which only resulted in a 60% e-rate discount. The application was reviewed and approved without any questions from the PIA reviewer.

The second application was reviewed later, and the PIA reviewer asked for verification of the e-rate discount rate. When we provided the data, it resulted in an increase in the e-rate discount from 60% to 80% for # 1007066.

Conclusion

To provide equal treatment for these two applications, we request that the base discount rate for the initial application # 1030070 be increased to 80% as verified by the PIA reviewer and approved for the FCDL for # 1007066. The discount rate for the voice service with Mpower would be 20% lower, or 60%.

Thank you.



Robert Beck
Education Consortium
E-Rate Contact for Odyssey Charter School
Certified Mail – Return Receipt # 7015 0640 0004 2248 8625

Authorized person information

Robin Cunningham – Director of Business Services (702-312-3249)

Attachments:

- FCDL dated June 12, 2015
- FCDL dated June 26, 2015

BEAR



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2015: 07/01/2015 - 06/30/2016)

June 12, 2015

Robert Beck
ODYSSEY CHARTER SCHOOL
790 Newtown-Yardley Road, Suite 410
Newtown, PA 18940

Re: FCC Form 471 Application Number: 1030070
Billed Entity Number (BEN): 16033606
Billed Entity FCC Registration Number (FCC RN): 0014832570
Nickname: 2015OdysseyRDB#2

Thank you for your Funding Year 2015 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$3,480.00 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, as products and services are being delivered and billed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 1030070 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2015," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to Disposal or Trade-in of Equipment posted in the Reference Area of our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: ODYSSEY CHARTER SCHOOL
BEN: 16033606
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1030070
Funding Request Number: 2799412
Funding Status: Funded
Service Type: Voice Services
FCC Form 470 Application Number: 324050001259581
SPIN: 143016034
Service Provider Name: Mpower Communications Corp.
Contract Number: C
Billing Account Number: 133575
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 03/18/2015
Contract Expiration Date: 06/30/2018
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$8,700.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$8,700.00
Discount Percentage Approved by the USAC: 40%
Funding Commitment Decision: \$3,480.00 - FRN approved as submitted

60%
discount -
40% w/ phase
down

FCDL Date: 06/12/2015
Wave Number: 004
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Robert Beck
Consultant Registration Number (CRN): 16024807
Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2015: 07/01/2015 - 06/30/2016)

June 26, 2015

Robert Beck
ODYSSEY CHARTER SCHOOL
790 Newtown-Yardley Road, Suite 410
Newtown, PA 18940

Re: FCC Form 471 Application Number: 1007066
Billed Entity Number (BEN): 16033606
Billed Entity FCC Registration Number (FCC RN): 0014832570
Nickname: 2015 OdysseyRDB

Thank you for your Funding Year 2015 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$5,280.00 is "Approved."
- The amount, \$8,323.20 is "Cancelled."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

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 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 1007066 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2015," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
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PO Box 685
Parsippany, NJ 07054-0685

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Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: ODYSSEY CHARTER SCHOOL
BEN: 16033606
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1007066
Funding Request Number: 2734420
Funding Status: Not Funded
Service Type: Voice Services
FCC Form 470 Application Number: 324050001259581
SPIN: 143016034
Service Provider Name: Mpower Communications Corp.
Contract Number: MTM
Billing Account Number: 133575
Service Start Date: 07/01/2015
Service End Date: 06/30/2016
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$13,572.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$13,572.00
Discount Percentage Approved by the USAC: 60%
Funding Commitment Decision: \$0.00 - Applicant request
Funding Commitment Decision Explanation: FRN canceled in consultation with the applicant.

FCDL Date: 06/26/2015
Wave Number: 006
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Robert Beck
Consultant Registration Number (CRN): 16024807
Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT REPORT
Billed Entity Name: ODYSSEY CHARTER SCHOOL
BEN: 16033606
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1007066
Funding Request Number: 2734453
Funding Status: Not Funded
Service Type: Voice Services
FCC Form 470 Application Number: 324050001259581
SPIN: 143001192
Service Provider Name: AT&T Corp.
Contract Number: MTM
Billing Account Number: 030-600-0427-001
Service Start Date: 07/01/2015
Service End Date: 06/30/2016
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$300.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$300.00
Discount Percentage Approved by the USAC: 60%
Funding Commitment Decision: \$0.00 - Applicant request
Funding Commitment Decision Explanation: FRN canceled in consultation with the applicant.

FCDL Date: 06/26/2015
Wave Number: 006
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Robert Beck
Consultant Registration Number (CRN): 16024807
Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT REPORT
Billed Entity Name: ODYSSEY CHARTER SCHOOL
BEN: 16033606
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1007066
Funding Request Number: 2734467
Funding Status: Funded
Service Type: Internet Access
FCC Form 470 Application Number: 324050001259581
SPIN: 143019008
Service Provider Name: Cox Communications Las Vegas, Inc.
Contract Number: C
Billing Account Number: 001-8610-098252301
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 03/06/2015
Contract Expiration Date: 06/30/2018
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$6,600.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$6,600.00
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$5,280.00 - FRN approved as submitted

80% Discount

FCDL Date: 06/26/2015
Wave Number: 006
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name: Robert Beck
Consultant Registration Number (CRN): 16024807
Consultant Employer: Educational Consortium for Telecom Savings